

FlashPoints



Hazardous Materials and Transportation Safety Newsletter

Issue #3

Summer 2000

Upcoming TSI Classes in Oklahoma City:

Transportation of Hazmat
-Basic Jul 10-14, Aug 7-11, Oct 23-27, Dec 4-8
-Recurrent Sep 19-21, Nov 13-15

Motor Carrier Safety Regs
Jun 19-23, Aug 14-18, Oct 2-6

Air Transportation of Hazmat (ICAO/IATA) Sep 6-8, Nov 6-8

Vessel/IMDGC Aug 21-25

Instructor Training: Hazmat Modules Jul 17-19

Cargo Tanks Aug 14-18

Explosives Aug 1-4

Performance-Oriented Packaging Oct 11-13

Haz Wastes & Substances Dec 12-15

Radioactive Materials Nov 1-3

Infectious Substances Jul 6-7, Oct 11-12

Customized and on-site training also available.

For more information on these and other classes, or to receive a training brochure, please contact the TSI Hazardous Materials and Transportation Safety Division.

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4400 Will Rogers Parkway, Suite 218, Oklahoma City, OK 73108
Phone: (405) 949-0036 x374
E-mail: Hazmat@tsi.jccbi.gov
Internet: <http://www.tsi.dot.gov/dti30>

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To be added/removed from the **FlashPoints** e-mailing list please contact: Hazmat@tsi.jccbi.gov

Choose Your Poison

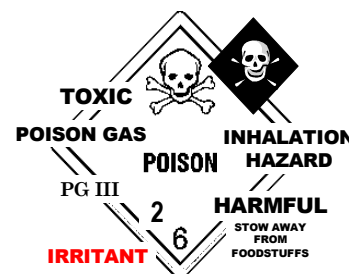
Selecting the Correct Labels & Placards For Divisions 2.3 and 6.1

It's quite a menu of choices: So do you want the *Poison* or the *Toxic*? Either is good. Yes, we still have the *Keep Away From Food*, but how about trying the new *PG III*? Planning on an ocean jour-

ney? Then you might want to hold off on the *Inhalation Hazard* and stick with the *Poison* or *Poison Gas*. Or you could just have it plain with no text at all. Not ready to choose? I'll come back.

Right now in the U.S. there are over a dozen different ways to communicate poisonous materials and gases with DOT hazard labels and placards. The choices depend on the hazard class/division (2.3 or 6.1), type of toxicity, packing group, mode of transport, preference in wording, and in some cases, even the date of packing. Some of these choices are the former DOT standards that have been replaced by the current labels and placards. Through transition periods granted by the DOT we can still use certain old labels and placards when meeting specific requirements. The expiration dates for these label and placard grace

Poison, continued on page 2



New and old. Even after transition periods expire there will still be plenty of options for the skull & crossbones.

Goodbye ICC Markings

It's final. The Federal Motor Carrier Safety Administration (FMCSA) is eliminating all marking requirements on commercial motor vehicles under former ICC regulations. The FMCSA published its Final Rule on June 2, 2000 in the Federal Register. The new rule takes effect July 3, 2000 for all CMV's but allows a 2-year compliance window for existing marking changes. Highlights are as follows:

- Eliminates 390.401 through 390.407 in 49 CFR.
- Requires all interstate vehicles to display the US DOT number.
- Requires marking to include the legal name or a single trade name of the business entity that owns or controls the motor carrier operation. This must match the MCS-150 as filed with FMCSA.
- Motor carriers showing an ICC number have 2 years to comply with the rule. New vehicles or repaints must comply when placed in service

ICC Markings, continued on page 4

Poison, continued from page 1

periods are nearing (remember when the years 2001 and 2003 seemed so far away?) so let's review which type of label or placard you should be using now and in the near future.

The chart at the right displays *some* of the ways a poisonous material or gas may be labeled/placarded, starting with the most current versions. See the notes below the chart to determine under what circumstances each label/placard may be used.

There are only three poison/poison gas labels and placards pictured in the current 49 CFR (examples A, B, C).

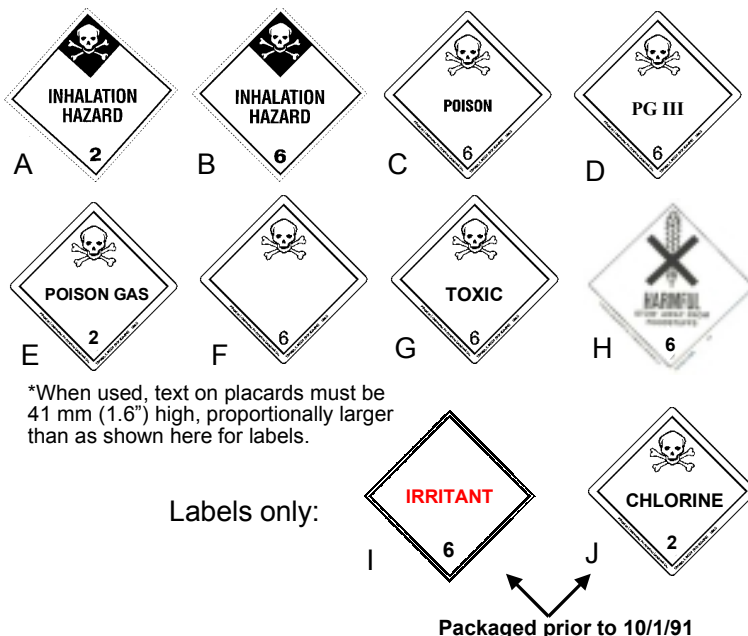
Any of labels/placards A–H may be displayed without text (*see* 49 CFR, 172.405(a) and 172.519(b)(3)). In this case, the words "inhalation hazard" would then need to be added to the package as a *marking* for those materials requiring the Poison Gas or Poison Inhalation Hazard labels/placards.

The current Poison Gas and Poison Inhalation Hazard labels/placards (A, B) are unique to the US DOT and may not be accepted by some countries. The former Poison Gas placard may be used by all modes until Oct. 1, 2001. This transition period is also extended to labels for international vessel shipments, and for all surface shipments to and from Canada under certain conditions: Non-bulk packages of materials that are inhalation hazards may bear the old Poison or Poison Gas labels supplemented by the "inhalation hazard" package marking if they are in closed transport units or freight containers that are marked with the ID number of the material in the manner prescribed by 172.313(c)(3) and placarded according to 172 subpart F (*see* 171.12(b)(8), 171.12a(a) and 171.12a(b)(5)).

All division 2.3 material, by its very nature is an inhalation hazard. Only some division 6.1 materials are inhalation hazards. Division 6.1 materials only require the Poison Inhalation Hazard label or placard if they are in inhalation "hazard zones" A or B. For more information of inhalation hazards and their hazard zones refer to 49 CFR sections 172.102 (Special Provisions 1 thru 6, and 13), 173.116 and 173.133.

For more information on labels and plac-

Examples of labels and placards* that can be used today



*When used, text on placards must be 41 mm (1.6") high, proportionally larger than as shown here for labels.

Labels only:

- A. Current "Poison Gas" label/placard for division 2.3.
- B. Current "Poison Inhalation Hazard" label/placard for division 6.1, when meeting inhalation hazard zones A or B.
- C. Current "Poison" label/placard for division 6.1.
- D. Current optional label/placard for division 6.1, packing group III.
- E. Former "Poison Gas" label/placard. "Toxic Gas" is also acceptable text.
- F. Optional wordless label/placard for division 6.1.
- G. Optional use of the word "Toxic" instead of "Poison".
- H. Former label/placard for division 6.1, packing group III. May be used domestically until Oct. 1, 2003.
- I. Former "Irritant" label (not a placard) for division 6.1. May be used domestically until Oct. 1, 2001—only if the material was packaged prior to Oct. 1, 1991. "Irritant" appears in red text.
- J. Former "Chlorine" label/placard. Placard is no longer acceptable. Label may be used domestically until Oct. 1, 2001—only if the material was packaged prior to Oct. 1, 1991. Package would also have to be *marked* "inhalation hazard".

Chart and notes do not cover every possible display of labels and placards for divisions 6.1 & 2.3. Optional use of the word "toxic", using no text at all, subsidiary labels/placards without class numbers, and placards displaying the four-digit ID number, account for dozens of different possibilities.

ards, refer to 49 CFR, Part 172, Subparts E & F (172.400's & 172.500's). Also refer to section 171.14 for guidance on the continued use of former DOT labels and placards. ♦

**PLEASE
HAVE A
SAFE
SUMMER**
Please
Wear Your
Seatbelt
Every Time

**She'll do what
you do.
Buckle up.**



Time to Update Your RQ List

One of the things that sets 49 CFR apart from international hazmat transport regulations is the *List of Hazardous Substances and Reportable Quantities*. Found in Appendix A of the Hazardous Materials Table (49 CFR 172.101), this list is actually set forth by the EPA, not the DOT. By law the DOT must adopt this hazardous substance list which the EPA maintains in a table in 40 CFR, Part 302. The EPA revises the table in 40 CFR periodically. It is up to the DOT to then make the same revisions to its list in 172.101, Appendix A.

So, the following revisions to *Table 1 of Appendix A* in 49 CFR 172.101 become effective August 14, 2000 (though these revisions became effective in 40 CFR some time ago):

Reportable Quantity Pounds / Kilograms

Add these substances

2,4,6-Tribromophenol	100 / 45.4
K140	100 / 45.4
K156	1 / .454
K157	1 / .454
K158	1 / .454
K169	10 / 4.54
K170	1 / .454
K171	1 / .454
K172	1 / .454

Delete this one

Caprolactam

These changes will need to be made to even the most recently printed editions of 49 CFR. ♦

Hazmat Over-The-Counter —Who's the Shipper?



A DOT Clarification

At a recent Multimodal Hazardous Materials Seminar put on by the DOT, a distributor of hazardous materials posed an interesting scenario. The distributor sells hazmat over-the-counter, that is, customers drive their own trucks and cars to the distributor's facility, buy the hazardous materials, and then load the materials into their vehicles and drive away. The distributor wanted to know if he was responsible for providing shipping papers or placards (shipper responsibilities), even when he does not participate in the loading of the materials and is not contracting with anyone to transport the materials in commerce. On the surface, it appears that the customer is the one causing the hazardous material to be transported in commerce, and therefore bears the shipper's *and* carrier's responsibilities. Hmmm...

So how do the Hazardous Materials Regulations (HMR) apply when customers pick up hazmat directly from the vendor/distributor and load it themselves into their own vehicles? Below is an excerpt from a DOT clarification letter, from 1996, replying to a vendor that asked if he was responsible for supplying shipping papers for such transactions:

"If an offeror makes an over-the-counter sale to a customer who then transports the hazardous material in his own vehicle and the offeror has reason to know that the customer is engaged in interstate commerce, the offeror must comply with the shipping paper requirement. Absent the knowledge of such involvement of the customer in interstate commerce, an offeror need not provide a shipping paper."*

So, a vendor would have to perform shipper responsibilities if it was obvious the customer was going to transport the material in commerce upon leaving the vendor's facility. However, this does not mean vendors and distributors need to perform shipper/offeree responsibilities for *all* their over-the-counter hazmat sales. Compare these three scenarios:

- ① A customer buys a cylinder of propane for her own backyard barbecue and drives home with it in her own car. She is not transporting the propane in commerce, therefore this transportation is not covered by the HMR. *Note: Cylinder would be filled per the HMR and local restrictions (for tunnels, etc.) may apply to all hazmat transport.*
- ② A customer buys cylinders of propane for his barbecue catering company and loads them in his catering truck. He *is* in commerce so he is subject to the HMR when transporting the propane. But, since the propane is used in direct support of a principal business, and he is not in the business of propane transportation, this customer can take the "materials of trade" (MOT) exception if the requirements of 49 CFR 173.6 are met. Most normal HMR shipper & carrier responsibilities are not applicable under the MOT exception (*see* 173.6).
- ③ A customer buys cylinders of propane from a distributor for her industrial supply & delivery business. She then trucks the cylinders to other businesses who pay for this delivery. This customer is in commerce, but can not take the MOT exception since the actual transportation of the propane is one of the principal businesses she is engaged in. In this case, the original propane distributor, would have to supply shipping papers and placards (if quantity dictates) and make sure the propane cylinders are marked, labeled, and packaged according to the HMR.

Browse other DOT clarification letters at <http://hazmat.dot.gov> You can also bring your questions directly to the US DOT at an upcoming Multimodal Hazmat Seminar: Chicago Jun 13-14, Cleveland Sep 12-13. For details on these and other seminars go to <http://hazmat.dot.gov/training.htm> or call 202-366-4900. ♦

*Note: As of October 1, 1998, this interpretation also applies to intrastate commerce.



Don't Gamble With Motor Carrier Safety — See Us in Las Vegas this Summer!

If you're planning on attending the International Truck Show in Las Vegas, June 28-30, come on out a day early and attend TSI's 3-Day Motor Carrier Safety Seminar! This important and popular course on the Federal Motor Carrier Safety Regulations will be held **June 27-29** at the MGM Grand Hotel. Call 405-949-0036 x379 for details and registration.

*This time when you leave Las Vegas you'll have something to show for it—
a training certificate from the U.S. DOT Transportation Safety Institute!*

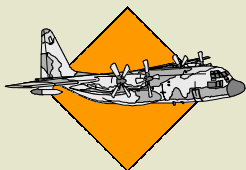
Stop By Our Booth!

Visit the **Transportation Safety Institute** at Booth #3358 at the **International Truck Show in Las Vegas**.

More Upcoming Motor Carrier Safety Seminars:

Kansas City Jul 11-13	Sacramento Jul 25-27
Minneapolis Aug 8-10	Detroit Aug 29-31
	Salem, NH Sep 12-14

TSI Class Features the Military Airlift of Hazmat



In response to industry requests, TSI is adding an optional fourth day to the three-day *Air Transportation of Hazardous Materials* class scheduled for Sep. 6-8. This one-day segment will cover the requirements of Air Force Joint Manual 24-204*, Preparing Hazardous Mate-

rials For Military Air Shipments. This is not a stand-alone one-day class and cannot be taken separately from the 3-day course. This additional day of instruction on Sep. 9th will build on the lessons covered in the normal three-day class, and examine unique military-specific requirements. Tuition will be an additional \$100 for this optional day of instruction and each student will receive a copy of Air Force Joint Manual (AFJMAN) 24-204.

Specific topics will include:

- Using the AFJMAN 24-204 hazardous materials table and packing instructions
- Using the IATA-style *Shipper's Declaration For Dangerous Goods* shipping paper for military airlift
- Passenger eligibility codes and deviations
- Airlift of explosives and ammunition
- Airlift of special packages (vehicles, cryogenics, toxic gases)
- Segregation of hazmat on pallets and aircraft
- Hazmat carried by passengers and crew
- Technical escorts
- DOD packaging & compatibility waivers

This class meets the training requirements of AFJMAN 24-204, section A25.7. The class is designed for civilians (suppliers, contractors, technical advisors, etc.) and is suitable for *non-certifying* DOD personnel. Contact TSI for more details on this class or for information on how this instruction can be combined with our other on-site and customized training.

*Also referred to by other DOD services as: NAVSUP PUB 505, DLAI 4145.3, TM 38-250, and MCO P4030.19G

ICC Markings, continued from page 1

- 5 year window to comply with single trade name or legal name marking to match the MCS-150.
- Does not require the principal place of business address.
- Allows removable marking devices for drive-aways.
- Allows rented CMV's to carry rental agreement information equivalent to the rule.

These changes initiate the beginning of a data simplification and accuracy focus on behalf of FMCSA. One laudable goal of this rule is to streamline roadside inspection data such that the actual motor carrier will be credited with the inspection.

Please remember that there are no prohibitions from added value information. Carriers may still display multiple trade names, city and state or any other data that helps with customer relations as long as the location for the data does not confuse the accuracy of the required minimum information. ♦

They're Not Legal Up Here

You wouldn't pack explosives into your airline luggage would you? That's exactly what some people try to do each summer when they want to bring fireworks with them on vacation. Fireworks are classified as explosives (Hazard Class 1). It is illegal to carry any fireworks, including the smallest firecrackers, sparklers and smoke bombs, in your checked baggage or carry-on bags.



For more information on the types of materials that can and can't be carried by airline passengers and air crew, check out the FAA's Dangerous Goods web site:

<http://cas.faa.gov/cas/dgp.htm>

The web site contains helpful brochures and information for airline passengers and for airline personnel.